

PLANNING & DEVELOPMENT COMMITTEE

18 AUGUST 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0679/13 (GH)
APPLICANT: G. D . Evans Holdings Ltd
DEVELOPMENT: Outline Application for up to 15 Houses including access, car parking, drainage, biodiversity areas and supporting external works.
LOCATION: LAND ADJACENT TO BURGESSE CRESCENT, LLANTRISANT, CF72 8QB
DATE REGISTERED: 30/05/2022
ELECTORAL DIVISION: Llantrisant and Talbot Green

RECOMMENDATION: GRANT SUBJECT TO A SECTION 106 AGREEMENT AND THE CONDITIONS BELOW:

REASONS:

The application property has been allocated for housing by the current LDP, is located within the settlement boundary and occupies a sustainable location.

In addition, the proposed housing development would be in keeping with the surrounding existing residential land uses, have an acceptable access from the public highway network and could be accommodated on site without detriment to the street scene or neighbouring residents.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development.

APPLICATION DETAILS

Outline planning consent is sought for the construction of up to 15 dwellings and associated works at land adjacent to Burgesse Crescent, Llantrisant.

In this case the application has been made with all matters relating to access, appearance, landscaping, layout and scale being reserved.

Nonetheless, in accordance with the Welsh Government's Development Management Manual the approximate location of the proposed properties, open space and access point from the public highway have been incorporated as part of an indicative site layout plan.

Furthermore, the maximum scale parameters of the proposed dwellings have been set out as follows:

House Type	Width (m)	Depth (m)	Height from DPC (m)
1	9.7	10.1	8.625
2	11.55	8.215	8.25
3	5.3	8.85	8.4

The layout plan suggests that the development would be arranged as a cul-de-sac, with properties of three house types set out in line with the new road, gaining access from a new junction to be formed from Burgesse Crescent.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Drainage Strategy
- Preliminary Ecological Assessment
- Design and Access Statement
- Coal Mining Risk Assessment
- Transport Statement
- Flood Consequences Assessment
- Pre-Application Consultation (PAC) Report

SITE APPRAISAL

The application property is a field of undeveloped land, located within the settlement boundary to the southern part of Llantrisant.

With a surface area of 0.95 hectares, the field demonstrates a gentle southerly fall and is bounded by Burgesse Crescent to the north, Cardiff Road to the east, a former rail line and current cycle path to the south and the A4119 to the west.

Other than for a cluster of scrub and trees to its north-eastern corner and the aforementioned boundary with the cycle path being tree-lined, this open site is largely devoid of features.

In terms of any policy or environmental designations, it is notable that the site is identified as a non-strategic housing allocation. In addition, most of the site falls within the coal high risk to development area.

The site is within Zones A and B of the Development Advice Map (DAM) as contained in TAN15 (2004). However, the more recent Flood Map for Planning (FMfP), which relates to the postponed revised TAN15 identifies the application site to be at risk of flooding and falls within Flood Zone 2 (Rivers).

The closest residential properties to the site are at Burgesse Crescent, Llys Derwen and Westfield Court to the north and east.

PLANNING HISTORY

The most recent or relevant applications on record associated with this site are:

12/1132/10: Erection of 22 no. new dwellings inc. a mixture of both market and social housing and associated infrastructure including the formation of a new vehicular access (re-submission of 12/0506). Decision: 26/02/2013, Refuse. (Appeal refused 09/04/2014).

12/0506/10: Erection of 22 dwellings and all associated infrastructure including the formation of a new vehicular access. Decision: 13/09/2012, Refuse.

07/2090/13: Construction of 15 No. detached 4 bedroom dwellings. Decision: 30/06/2008, Refuse.

PUBLICITY

The application has been advertised by direct notification to seventeen neighbouring properties and notices were displayed on site.

Furthermore, in accordance with the Development Management Procedure Order (Wales) the relevant press notice was published on 7th July 2022 identifying that the proposal constitutes 'major development'.

Two letters of objection or representation have been received raising the following concerns (summarised):

- The upstairs windows of the proposed semi-detached houses will directly overlook the rear gardens and habitable rooms of properties at Westfield Court.
- The plans do not clearly indicate the situation of the new development compared to Westfield Court and only show their position in relation to Burgesse Crescent.
- This development will have a negative impact on my property, through noise, overlooking and overshadowing my property particularly in the winter months

when all shrubs are bare. It will also impact on my property in terms of light pollution.

CONSULTATION

Highways and Transportation

No objection, subject to conditions requiring engineering details, footway design and a Construction Method Statement to be provided.

Flood Risk Management

The Applicant will be required to submit an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB). The Applicant is also required to comply with Part H of the Building Regulations. A condition is recommended in respect of how surface water will be managed at the site.

Natural Resources Wales

NRW is satisfied that protected species issues can be overcome by incorporating the Preliminary Ecological Appraisal as part of the approved plans and documents condition on the decision notice, and by the imposition of a condition requiring details of a lighting plan.

NRW has also reviewed the FCA undertaken by JBA Consulting, dated May 2022, and advises that the risks and consequences of any flood event could be managed to an acceptable level. Therefore, NRW has no objection on flood risk grounds.

Dwr Cymru Welsh Water

No objection, subject to a condition requiring a hydraulic modelling assessment and informative notes regarding sewer and mains water connections.

Network Rail

No objection but notes that any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required.

Western Power Distribution

A new connection or service alteration will require a separate application to WPD.

South Wales Fire and Rescue Service

No objection. Information relating to water supplies and access has been provided for the benefit of the Developer.

Countryside – Ecologist

The site has some ecological value, including habitat and species potential. This is an example of a type of small development where there is very limited capacity to provide full habitat mitigation, and if this application progresses it would have to be on the basis that it has not proved possible to fully mitigate habitat loss/impact and that long-term effective mitigation, and where possible biodiversity enhancement is secured through appropriate planning agreement. It is noted that NRW is satisfied that key protected species impacts can be mitigated providing appropriate measures are secured through planning condition.

The Coal Authority

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

South Wales Police

No objection. A comprehensive list of recommendations, in respect of designing out crime, have been submitted for forwarding to the developer.

Transport for Wales

Noted that the land comprised within the application site is adjacent to infrastructure that is owned by Network Rail and advised that Network Rail should be consulted

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan

remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Llantrisant

Policy CS2 - sets out the strategy for the Southern Strategy Area (SSA) with an emphasis on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries. Emphasis will also be on protecting the cultural identity of the strategy area by protecting the natural environment.

Policy CS4 - identifies the housing requirement figure for the plan period.

Policy CS5 - identifies that there is a need to provide 1770 affordable housing units over the plan period.

Policy AW1 - outlines how the housing land requirement will be met, and includes the development of unallocated sites within the defined settlement boundaries.

Policy AW2 - ensures that development proposals are only supported when located in sustainable locations. Such locations would not unacceptably conflict with surrounding uses, have good access to key services by a range of sustainable transport options, and support the roles and functions of Key Settlements.

Policy AW4 - details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

Policy AW5 - sets out the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

Policy AW6 - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Proposals must be designed to protect and enhance landscape and biodiversity.

Policy AW8 - seeks to protect the natural environment from inappropriate development and that there would be no unacceptable impact upon the features of importance to landscape or nature conservation.

Policy AW10 - development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability or any other identified risk to local amenity and public health would not be supported.

Policy SSA10 - allocates land in the Southern Strategy Area for residential development on non-strategic sites.

Policy SSA11 - stipulates that residential development will only be permitted where the net residential density is a minimum of 35 dwellings per hectare, unless it can be demonstrated otherwise.

Policy SSA12 - provision of 20% affordable housing will be sought on sites of 5 units or more.

Policy SSA13 - settlements in the Southern Strategy Area have absorbed a significant amount of new development during the last decade. In order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss; the policy stipulates that development will not be permitted outside the defined settlement boundary.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- Affordable Housing
- Planning Obligations
- Nature Conservation

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The proposal is for 15 dwellings on land adjacent to Burgesse Crescent. The site is within the defined settlement boundary and there are a number of policy considerations which relate to this application.

Firstly, the site is allocated for housing development under Policy SSA10.14 as a non-strategic site to provide 40 dwellings. This allocation, together with the site's planning history, carries significant planning weight and the principle of residential development is therefore already established.

Secondly, the proposed scheme would support the delivery of the housing requirement figures identified by Policy AW1 and also support development in the Principal Town of Llantrisant/Talbot Green as set out by Policy SSA3.

Thirdly, Policy SSA12 requires that 20% of the units on sites of 5 units or more should be affordable housing. Therefore, the development would be required to deliver 3 affordable units to accord with requirements of the Council's Housing Strategy Team and this would be secured by a Section 106 agreement.

Lastly, Policy SSA11 requires a minimum density of 35 dwellings per hectare in the Southern Strategy Area. In this case the density would be well below that at approximately 16 dph, which is of concern. It is noted from the planning history that

application 12/1132/10 was refused on appeal, with the Inspector citing low density as the reason, particularly since the Council could not demonstrate a 5 year housing land supply for the delivery of new homes.

However, in the ten years since that application was submitted there have been significant changes in national planning policy:

- PPW TAN1 was revoked on 26th March 2020 which means there is no longer a need to demonstrate a 5 year land supply. Consequently, whether or not the site would make an adequate contribution to overall housing numbers is of less material relevance.
- There is now a requirement for larger developments to comply with national standards for sustainable drainage systems, which result in the loss of developable parts of application sites for the provision of SuDs infrastructure such as swales and attenuation basins.
- The most recent iterations of PPW, together with subsequent Ministerial correspondence, means that development proposals now have to incorporate both biodiversity mitigation and enhancement measures. For greenfield sites such as this one, this is more difficult to achieve and will also result in the setting aside of otherwise developable land, compared to previously developed sites which will have a much lower biodiversity value to compensate.

In addition to the aforementioned planning policy changes, the need to construct a new vehicular and pedestrian access and layout the development to cope with the awkward site shape/levels means that there is little scope for a denser development, and there are therefore no concerns with regard to Policy SSA11 and the efficient use of land.

In light of the above, noting the location of the site, the pattern of development within the area and surrounding land uses, it is considered that outline approval for 15 dwellings would be acceptable in principle.

Impact on the character and appearance of the area

As an outline proposal the submitted plan, illustrating how the plot could be laid out, demonstrates that it would be physically possible to provide 15 new dwellings within its boundaries and how these dwellings could be positioned relative to neighbouring properties and benefit from access to the public highway.

Regarding the scale of the new homes, in terms of the size of the illustrative scale parameters, these show that there is the potential for the site to be arranged in order to allocate an acceptable amount of external amenity space for each new dwelling and provide off-street parking in line with the Council's adopted parking standards.

In particular, compared to the previous planning consent for 22 dwellings, the requirement to integrate sustainable drainage solutions and provide acceptable

biodiversity mitigation, taken together with management of site levels as outlined above, means that the density of the development would be lower and reflective of the surrounding residential plots.

However, without specific design details and the supporting information that would usually accompany a reserved matters application, it is not possible to fully assess the development in terms of its visual impact.

Nevertheless, given the context of the street scene and the variety in the scale, appearance and position of neighbouring dwellings, it appears evident that 15 new properties of the scale proposed could be designed to integrate with the existing built environment.

Impact on neighbouring occupiers

The public consultation resulted in objections from residents of two properties located at Westfield Court to the east of the site, in respect of the potential for intrusive views and overshadowing from plots 14 and 15.

The illustrative layout plan indicates that the finished floor level for these two dwellings is specified with a datum level of 50.00, whereas the level of Cardiff Road to the rear of the site is nearly 4m higher. In addition, the rear gardens of Westfield Court on the other side of Cardiff Road appear to be higher than the road surface.

This would suggest that the level of the objector's gardens would be comparable with the eaves height of plots 14 and 15, and the development would be very unlikely to harm privacy or cause overshadowing.

Furthermore, the distance between the rear elevations of the objector's houses and those of plots 14 and 15 is in the region of 34m. This is well in excess of the 21m gap which is usually sought to maintain amenity where there would be opposing elevations at two sites on the same level.

Therefore, since it appears possible that the development could be constructed without causing significant detriment to the outlook or privacy of other residents, or being close enough to cause overshadowing, there are no objections at this stage.

Access and highway safety

Access

The proposed 15 dwellings would be served via a new road from Burgesse Crescent. The proposed new road extends for circa 200m before terminating at a turning area. Given that the new road will serve in excess of 5 residential dwellings it must be constructed in accordance with RCTCBC Highway Design Guide and offered for adoption via a Section 38 Highway Agreement.

The proposed road is in principle considered acceptable. However, the footway on the northern side of the proposed road should extend across the driveway access to plot 1 and continue thereafter as a 0.5m wide hard margin strip.

Off-site Highway Improvements

The submitted sketch of the proposed site layout indicates that a 2m wide footway is to be provided on the development side of Burgess Crescent along their common boundary for a distance of circa 70m. The footway extends as far as possible within the developer's ownership and terminates with an uncontrolled crossing point to the footway opposite. The proposed footway is considered acceptable subject to detailed design details.

Sustainability

The proposal is considered to be located within a sustainable location in accordance with Active Travel (Wales) Act 2013, which would encourage walking and cycling to access local amenities.

Steps and Gate

The submitted 'sketch site layout' indicates provision of steps and a gateway. A future reserved matters application should replace this with a sloped pedestrian footway rather than steps. If it is not possible to construct an inclusive mobility compliant ramp, then the steps would not be adopted and maintained at public expense.

Off-Street Parking Provision

In accordance with the Council's SPG for Access, Circulation and Parking Requirements, 1-2 bedroom dwellings would require a maximum off-street parking requirement of 2 spaces and 3+ bedroom dwellings have a requirement of 3 spaces. There is also a requirement of 1 space per 5 dwellings for visitors. The levels of parking provided on plan '1056/PP.02' is considered to be acceptable for this development, as the table below indicates:

Dwelling type	No. of dwellings	Maximum Parking Spaces Required	Spaces Provided
3 bed	11	33	33
2 bed	4	8	8
Visitor	0	3	0
TOTAL	15	44	41

The submitted Transport Statement does not specify any requirement for cycle parking on the development; however, it is considered that the provision can be provided securely in proposed amenity areas and garages.

Transport Statement & Trip Generation

A transport statement (TS) has been provided in aid of the application. Trip generation has been assessed in accordance with the TRICS database and indicates 80 trips per day, with 9 in the am peak and a further 9 in the pm peak. 9 trips within a peak hour is considered to be an insignificant increase over existing levels of traffic on the local highway network.

Residential Travel Plan

The submitted TS refers to the need for a robust residential travel plan to encourage use of sustainable modes of travel, for which a condition has been recommended.

In light of the above assessment, no highway objection is raised.

Public Health

No consultation response had been received from the Public Health and Protection Division at the time of writing.

However, the Council's records demonstrate that a section of the application site, towards its western boundary, is noted as having accommodated storage tanks. Consequently, it is designated as being potentially contaminated land and a condition for a site investigation for contamination is recommended below.

Ecology

The Preliminary Ecological Appraisal (PEA) identifies that the site supports a mosaic of mainly drier, relatively species poor grassland, but with areas of wetter more ecologically diverse grassland and fen (particularly along the southern community route boundary), some scrub, and to the south the woodland edge of the community route. The PEA identifies the potential for some loss of bat foraging habitat, and potential lighting impacts, but equally the opportunity for bat roost provision within the new builds.

Although no dormouse evidence was found, the ecology assessment identifies a potential (through connected habitat) that dormice might use the site, but identifies that suitable dormouse habitat will be retained, and that with mitigation there is limited impact on dormice. It is noted that NRW have raised no objection on the basis of dormouse impact providing precautionary mitigation measures are employed. Amongst a number of mitigation proposals, the PEA also identifies some potential

impacts requiring mitigation for reptiles, amphibians and hedgehogs and the need for precautionary pre-construction re-check for badger setts.

The protection of key habitats, including the adjacent southern woodland edge, during construction is identified as a key PEA recommendation. Measures to try to retain areas of fen meadow (and the locally uncommon marsh valerian) and to incorporate fen meadow habitats and management into SUDs development is recommended in the PEA.

Biodiversity enhancements including bird and bat bricks in new builds, and sensitive establishment and management of dual purpose areas of biodiversity grassland/amenity space and biodiversity/SUDs are identified. These can be obtained for this site, as outlined by the Preliminary Ecological Assessment, for which condition 4 is recommended as a means to secure them.

However, as an outline application with all matters reserved, such details would be expected to be addressed by a future reserved matters application. Nevertheless, the Ecologist's opinion is that not all of the ecological potential of the existing site can be mitigated and that inevitably the loss of area of certain habitat features, including the dry and marsh grassland and fen meadow habitat will not be fully mitigable. There is therefore likely to be a net negative local biodiversity impact associated with the development. It is therefore very important that robust long-term mitigation is secured for those elements that can be delivered. It will also be important that the design and development of the SUDS feature incorporates the objectives of fen meadow mitigation.

PPW 11 notes that where the adverse effect on the environment clearly outweighs other material considerations, the development should be refused. Therefore, the negative local impact has to be set against the other material matters which weigh in favour of the development.

The key material matter is that this greenfield site is already allocated for housing and meets the Southern Strategy Area policies outlined further above. In addition, no objections have been received from any other statutory consultees, including NRW.

Therefore, notwithstanding that the submitted detail is largely indicative, it is considered that there are no sustainable planning reasons to warrant a recommendation of refusal at this stage.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The density of the development would be acceptable and appropriate for this edge of settlement location and as an allocated housing site would contribute to the overall housing requirement within the Southern Strategy Area
- **Facilitating Accessible and Healthy Environments:** The application site is in a very sustainable location, being close to a walking/cycle path and bus route. In addition, Talbot Green Town Centre & Retail Park are located within easy walking distance, as are the schools at Penygawsi and Y Pant.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and would create footfall in the nearby retail centre.
- **Maximising Environmental Protection:** The development would require biodiversity mitigation and enhancement measures in accordance with PPW 11. However, it is recognised that as an undeveloped site there would be a negative biodiversity impact due to the loss of grassland.

In respect of the other national outcomes listed the development would be considered to have a neutral impact.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage but will be calculated for any future reserved matters or full applications.

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require

payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms,
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

Policy SSA 12 of the adopted LDP requires 20% affordable housing provision on sites of 5 units or more in the Southern Strategy Area. As the proposal concerned is for 15 residential units, 3 units of affordable housing should be secured to satisfy these requirements.

Based on the findings of the Local Housing Market Assessment 2017/23, it is recommended that the following affordable housing unit mix be secured on site, via a S.106 agreement, to satisfy these requirements:

- 2 x 2 bedroom houses for low cost home ownership
- 1 x 3 bedroom house for low cost home ownership

The Low Cost Home Ownership units should be built to Development Quality Requirement standard and made available for sale to Council nominated first time buyers from the Homestep Register. The developer's contribution should equate to 30% of the open market value for each unit, i.e., the nominated purchaser should pay no more than 70% of the open market value per unit.

Conclusion

Due to its location within the settlement boundary and particularly its designation as an allocated housing site within the current Local Development Plan, there is strong presumption in favour of the principle of development.

The submitted illustrative plan demonstrates how the layout of the development and properties could be arranged on site. Whilst all such design details would be considered at the reserved matters stage it is considered that the application has demonstrated that the site is capable of accommodating the size of development proposed.

RECOMMENDATION: GRANT SUBJECT TO A SECTION 106 AGREEMENT AND THE CONDITIONS BELOW:

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. No development shall commence, including any works of site clearance, until details of a scheme of ecological mitigation and enhancement, including measures identified within the Preliminary Ecological Appraisal (Pryce Consultant Ecologists, dated 21st June 2021), has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall also include details of how habitat mitigation for fen meadow habitat can be accommodated within SUDs design and cross referenced to drainage requirements in condition 6 and shall include a long-term habitat and species mitigation management plan for those areas.

The scheme shall be implemented in accordance with the approved details prior to beneficial occupation of any dwelling and maintained as such in perpetuity.

Reason: In the interest of the protection of the natural environment in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the Local Planning Authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence until details of a scheme for the management of surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate how the development is to comply with the requirements of Section 8.3 of PPW Technical Advice Note 15 and shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until full engineering design and details of the road layout including sections, street lighting and surface-water drainage and pedestrian crossing points have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence until details providing for the creation a 2m wide footway on the development side of Burgesse Crescent have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior of beneficial occupation of any dwelling.

Reason: In the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:
- a) the means of access into the site for all construction traffic,
 - b) the parking of vehicles of site operatives and visitors,
 - c) the management of vehicular and pedestrian traffic,
 - d) loading and unloading of plant and materials,
 - e) storage of plant and materials used in constructing the development,
 - f) wheel cleansing facilities,
 - g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence until full details of all external lighting have been submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:
- Details of the siting and type of external lighting to be used.
 - Drawings setting out light spillage in key sensitive areas, in particular the wooded/scrubby habitats to the south of the proposed development site.
 - Details of lighting to be used both during construction and operation.
 - Measures to monitor light spillage once development is operational.

The lighting shall be installed and retained as approved during construction and operation. No other external lighting shall be erected on either the completed dwellings or within their curtilages.

Reason: In the interest of protected species and their habitats and commuting corridors in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

11. i). No development shall commence until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme, all aspects of which must be carried out by, or under the direction of, a suitably qualified competent person in accordance with BS10175, shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

(a) A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.

(b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (a) above.

(c) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

ii). The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (i) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by, or under the direction of, a suitably qualified competent person.

iii). If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by, or under the direction of, a suitably qualified competent person.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Prior to beneficial occupation of any dwelling the Developer shall provide the occupier of each dwelling with a Travel Plan / Welcome Pack which should contain the following:

a) Bus/Train Service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport.

b) Park and Ride/Park and Share facilities and associated costs and restrictions on use of such facilities.

c) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure.

d) Local and national cycle routes.

e) Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with PPW11 and the Active Travel (Wales) Act 2013.

13. Deliveries shall not be taken at or dispatched from the site outside the hours of 09:00am to 16:30pm Monday to Friday, 09:30am to 13:00pm on Saturdays and not at all on Sundays and Bank Holidays.

Reason: In the interests of the safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.